

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

FINAL RULEMAKING

The District of Columbia Board of Elections and Ethics hereby gives notice of final rulemaking action to adopt the following amendments to 3 DCMR Chapter 15, "Candidates: Electors of President and Vice-President."

The District of Columbia Board of Elections and Ethics at its regular meeting on Tuesday, August 5, 2003 took final action to adopt the following amendments to 3 DCMR Chapter 15, "Candidates: Electors of President and Vice-President."

No comments were received; and no changes were made to the text of the proposed rules as published in the Notice of Proposed Rulemaking (50 DCR 4002: May 23, 2003).

Amend Section 1500 by deleting Subsection 1500.9 in its entirety and inserting the following in its place:

1500.9: The documents required by §§ 1500.3 and 1500.7 shall be filed with the Board not later than 5:00p.m. on September 1st of each presidential election year, unless the deadline for these documents has been waived by the Board for good cause, and the documents required by § 1500.8 shall be filed not later than 5:00 p.m. on October 1st of each presidential election year.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupations Revision Act of 1985 ("Act"), effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 66 of Title 17 DCMR (Business, Occupations & Professions) (May 1990). The rules amend Chapter 66 by greatly expanding the standards of conduct that govern the practice of Professional Counseling. Notice of Proposed Rulemaking was published in the D.C. Register on July 4, 2003 at 50 DCR 5311. No comments were received concerning these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

Chapter 66 (Professional Counseling) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended to read as follows:

Section 6609 is amended to read as follows:

6609 Standards of Conduct

- 6609.1 Licensed professional counselors shall not discriminate against clients because of age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status, or socioeconomic status.
- 6609.2 Licensed professional counselors shall inform clients, preferably in writing, regarding the counseling process and counseling relationship at or before the time it begins and throughout the relationship.
- 6609.3 Licensed professional counselors shall make every effort to avoid dual relationship with clients that could impair their professional judgment or increase the risk of harm to clients. When a dual relationship cannot be avoided, licensed professional counselors shall take appropriate steps to ensure that their judgment is not impaired and that no exploitation occurs.
- 6609.4 Licensed professional counselors shall not engage in any type of sexual intimacies with current clients and shall not engage in sexual intimacies with former clients within a minimum of two years after terminating the counseling relationship. Licensed professional counselors who engage in such relationship after two years following termination shall have the responsibility to thoroughly examine and document that such relations did not have an exploitative nature.

- 6609.5 Licensed professional counselors shall take steps to protect clients from physical or psychological trauma resulting from interactions during group work.
- 6609.6 Licensed professional counselors shall explain to clients, prior to their entering the counseling relationship, financial arrangements related to professional services.
- 6609.7 Licensed professional counselors shall assist in making appropriate arrangements for the continuation of treatment of clients, when necessary, following termination of counseling relationship.
- 6609.8 Licensed professional counselors shall avoid entering or immediately terminating a counseling relationship if it is determined that they are unable to be of professional assistance to a client. The counselors shall assist in making an appropriate referral to the client.
- 6609.9 Licensed professional counselors shall keep information related to counseling services confidential unless disclosure is in the best interest of clients, is required for the welfare of others, or is required by law.
- 6609.10 Licensed professional counselors shall take measures to ensure that subordinates maintain privacy and confidentiality.
- 6609.11 Licensed professional counselors shall clearly communicate to group members that confidentiality cannot be guaranteed in groupwork.
- 6609.12 Licensed professional counselors shall not disclose information about one family member in counseling to another family member without prior consent.
- 6609.13 Licensed professional counselors shall maintain appropriate confidentiality in creating, storing, accessing, transferring and disposing of counseling records.
- 6609.14 Licensed professional counselors shall obtain prior consent from clients in order to electronically record or observe sessions.
- 6609.15 Except as provided in § 6609.9, licensed professional counselors shall obtain client consent to disclose or transfer records to third parties.
- 6608.16 Licensed professional counselors shall disguise the identity of the client when using data for training, research or publication.

- 6608.17 Licensed professional counselors shall practice only within the boundaries of their competence.
- 6608.18 Licensed professional counselors shall engage in continuing education to maintain their professional competence.
- 6609.19 Licensed professional counselors shall refrain from offering professional services when their personal problems or conflicts may cause harm to a client or others.
- 6609.20 Licensed professional counselors shall accurately represent their credentials and services when advertising.
- 6609.21 Licensed professional counselors shall not use their place of employment or institutional affiliation to recruit clients for their private practice.
- 6609.22 Licensed professional counselors shall claim or imply only professional credentials possessed and shall correct any known misrepresentation of their credentials by others.
- 6609.23 Licensed professional counselors shall not engage in sexual harassment.
- 6609.24 With the consent of the client, licensed professional counselors shall inform other mental health professionals serving the same client that a counseling relationship between the counselor and client exists.
- 6609.25 Licensed professional counselors shall alert their employers to institutional policy or conditions that may be potentially disruptive or damaging to the counselors' professional responsibilities or that may limit their effectiveness or deny clients' rights.
- 6609.26 Licensed professional counselors shall select competent staff and shall assign responsibilities compatible with staff skills and experiences.
- 6608.27 Licensed professional counselors shall not engage in exploitative relationships with individuals over whom they have supervisory, evaluative, or instructional control or authority.
- 6609.28 Licensed professional counselors shall not accept fees or other remuneration for consultation with persons entitled to such services through the counselors' employing agency or institution.
- 6609.29 Licensed professional counselors shall not accept referral fees.

- 6608.30 Licensed professional counselors shall perform only testing and assessment services for which they are competent.
- 6608.31 Licensed professional counselors shall not allow the use of psychological assessment techniques by unqualified persons under their supervision.
- 6609.32 Licensed professional counselors shall use assessment instruments in the manner for which they were intended.
- 6609.33 Licensed professional counselors shall provide explanations to clients prior to assessment about the nature and purposes of assessment and the specific uses of results.
- 6609.34 Licensed professional counselors shall ensure that accurate and appropriate interpretations accompany any release of testing and assessment information.
- 6609.35 Licensed professional counselors shall not base their assessment or intervention decisions or recommendations on data or test results that are obsolete or outdated for the current purpose.
- 6609.36 Licensed professional counselors shall not engage in sexual relationships with their students and supervisees.
- 6609.37 Licensed professional counselors shall give credit to students or supervisees for their contributions to research and scholarly projects.
- 6609.38 Licensed professional counselors who offer clinical supervision services shall be trained and prepared in supervision methods and techniques.
- 6609.39 Licensed professional counselors shall clearly state to students and supervisees in advance of training, the levels of competency expected, appraisal methods, and timing of evaluations. Counselors shall provide students and supervisees periodic performance appraisals and evaluation feedback throughout the training program.
- 6609.40 Licensed professional counselors shall make every effort to ensure that the rights of peers are not violated when students and supervisees are assigned to lead counseling groups or provide clinical supervision.
- 6609.41 Licensed professional counselors shall assist students and supervisees in securing remedial assistance, when needed, and shall dismiss from the training program students and supervisees who are unable to provide competent services due to academic or personal limitations.

- 6609.42 Licensed professional counselors who conduct experiences for students or supervisees that include self-growth or self-disclosure shall inform participants of counselors' ethical obligations to the profession and shall not grade participants based on their nonacademic performance.
- 6609.43 Students and supervisees preparing to become licensed professional counselors shall adhere to the Code of Ethics and the Standards of Practice of counselors.
- 6609.44 Licensed professional counselors shall avoid causing physical, social or psychological harm or injury to subjects of research.
- 6609.45 Licensed professional counselors shall keep confidential information obtained about research participants.
- 6609.46 Licensed professional counselors shall report all variables and conditions known to the investigators that may affect research data or outcomes.
- 6609.47 Licensed professional counselors shall not distort or misrepresent research data or fabricate or intentionally bias research results.
- 6609.48 Licensed professional counselors shall give appropriate credit to those who have contributed to research.
- 6609.49 Licensed professional counselors shall take appropriate action when they reasonably believe that a counselor or other mental health professionals are acting in an unethical manner.
- 6609.50 Licensed professional counselors shall not initiate, participate in, or encourage the filing of ethical complaints that are unwarranted, or intended to harm a mental health professional rather than to protect clients or the public.

**DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), Reorganization Plan No. 4 of 1996, and Mayor's Order 97-42, dated February 18, 1997, hereby gives notice of the adoption of an amendment to section 718.8 of Chapter 7 of Title 29 of the District of Columbia Municipal Regulations (DCMR), governing day treatment programs.

These rules amend reimbursement rates negotiated for day treatment programs. The basic rates are set by agreement between the individual providers and the Department of Health, Medical Assistance Administration (MAA). In 1997, MAA reduced by ten percent (10%) the rate of any center whose negotiated rate was above sixty dollars (\$60.00) per day and reduced by fifteen percent (15%) the rate of any center whose negotiated rate was above one hundred and fifty dollars (\$150.00). These rules will increase the rates to the levels paid prior to the 1997 rate reduction. The Medicaid Program projects an increase in local and federal expenditures of approximately eight hundred thousand dollars (\$800,000) annually as a result of the increased reimbursement rates.

A notice of emergency and proposed rulemaking was published in the *D.C. Register* on June 20, 2003 (50 DCR 4990). Comments on the proposed rules were received. No substantive changes have been made. These rules shall become effective one day after publication of this notice in the *D.C. Register*.

Amend section 718.8 (Reimbursement Policy) of Chapter 7 of Title 29 DCMR to read as follows:

718.8 The following day treatment programs shall have the rates listed for services rendered on or after the effective date of these rules:

<u>Provider Name</u>	<u>Rate</u>
Whitman Walker	\$158.82
NCC Infant Day Treatment	\$125.92
St. John's Day Treatment	\$122.00
Art and Drama Therapy Institute- S Street Location	\$114.09
Brookland	\$108.28
PSI- M Street Location	\$105.00
Psychiatric Center Chartered- Bladensburg Road Location	\$81.00
United Cerebral Palsy	\$85.84

DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code, § 1-307.02), Reorganization Plan No. 4 of 1996, and Mayor's Order 97-42, dated February 18, 1997, hereby gives notice of the adoption of a new section 939 to Chapter 9 of Title 29 of the District of Columbia Municipal Regulations (DCMR), entitled "Chore Services." These rules establish standards governing reimbursement by the District of Columbia Medicaid Program for chore services provided by qualified professionals to participants with mental retardation in the Home and Community Based Waiver for Persons with Mental Retardation and Developmental Disabilities (Waiver). These rules also establish Medicaid reimbursement rates for chore services.

A notice of emergency and proposed rulemaking was published in the *DC Register* on June 20, 2003 (50 DCR 4992). No comments on the proposed rules were received. No substantive changes have been made. These rules will become effective one day after publication of this notice in the *D.C. Register*.

Amend Chapter 9 (Medicaid Program) of Title 29 DCMR by adding the following new section 939, to read as follows:

SECTION 939 CHORE SERVICES

- 939.1 Chore services shall be reimbursed by the Medicaid Program for each participant with mental retardation in the Home and Community Based Services Waiver for Persons with Mental Retardation and Developmental Disabilities (Waiver) subject to the requirements set forth in this section.
- 939.2 Chore services are services consisting of heavy, periodic, non-medical, non-continuous household remediation tasks intended to place the home environment in a clean, sanitary and safe environment and prepare the home environment for ongoing routine homemaker services.
- 939.3 Chore services eligible for reimbursement shall include, but not be limited to the following services:
- (a) Washing windows, walls and floors;
 - (b) Moving heavy items of furniture in order to provide safe access and egress;
 - (c) Tacking down loose rugs and flooring;

- (d) Performing non-skilled minor home repairs; and
- (e) Yard maintenance and snow removal necessary to permit safe access to the home.

939.4 Chore services ineligible for reimbursement include:

- (a) Hands-on care;
- (b) Cooking;
- (c) Grocery shopping; and
- (d) Respite.

939.5 Chore services are not reimbursable when:

- (a) The client or anyone else in the household is capable of performing these services or paying to have the services done;
- (b) A third party payer is responsible for the provision of the services;
- (c) Services are available without cost from a community or volunteer agency;
- (d) Provided by the client's spouse or a family member; or
- (e) In the case of rental property, the rental lease agreement indicates that the services are the responsibility of the landlord.

939.6 Chore services shall be authorized and provided in accordance with each client's individual habilitation plan (IHP) or individual support plan (ISP).

939.7 Each provider of chore services shall:

- (a) Be a non-profit, home health agency, social service entity or other business entity;
- (b) Have a current District of Columbia Medicaid Provider Agreement that authorizes the provider to bill for chore services under the Home and Community Based Services Waiver for Persons with Mental Retardation and Developmental Disabilities (Waiver);

- (c) Maintain a copy of the most recent IHP or ISP approved by the Department of Human Services, Mental Retardation and Developmental Disabilities Administration (MRDDA);
- (d) Ensure that each chore aide is qualified and properly supervised;
- (e) Ensure that the service provided is consistent with the client's IHP or ISP;
- (f) Offer the Hepatitis B vaccination to each person providing services pursuant to these rules; and
- (g) Provide training in infection control procedures consistent with the requirements of the Occupational Safety and Health Administration, U.S. Department of Labor as set forth in 29 CFR 1910.1030.

939.8 Each person providing chore services shall:

- (a) Be at least eighteen (18) years of age;
- (b) Be acceptable to the client;
- (c) Demonstrate annually that he or she is free of communicable disease as confirmed by an annual PPD Skin Test or documentation from a physician stating that the person is free from a communicable disease;
- (d) Be able to communicate with the client;
- (e) Be able to read and write the English language;
- (f) Complete pre-service and in-service training approved by MRDDA;
- (g) Have the ability to provide chore services consistent with the client's IHP or ISP; and
- (h) Comply with the requirements of the Health-Care Facility Unlicensed Personnel Criminal Background Check of 1998, effective April 20, 1999 (D.C. Law 12-238), as amended by the Health-Care Facility Unlicensed Personal Criminal Background Check Amendment Act of 2002, effective April 13, 2002, (D.C. Law 14-98, D.C. Official Code § 44-551 *et seq.*).

939.9 The billable unit of service for chore services shall be one hour.

939.10 The reimbursement rate for chore services shall be fifteen dollars (\$15.00) per hour.

939.11 Chore services shall be limited to 32 hours per client during any one (1)-year period, which shall commence on the date that the services are authorized.

939.99 **DEFINITIONS**

When used in this section, the following terms and phrases shall have the meanings ascribed:

Client -An individual with mental retardation who has been determined eligible to receive services under the Home and Community-Based Waiver for Persons with Mental Retardation and Developmental Disabilities.

Communicable Disease- Shall have the same meaning as set forth in section 201 of Chapter 2 of Title 22, District of Columbia Municipal Regulations.

Individual Habilitation Plan (IHP)-Shall have the same meaning as set forth in section 403 of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1304.03).

Individual Support Plan (ISP)-The successor to the individual habilitation plan (IHP) as defined in the court-approved Joy Evans Exit Plan.

D.C. OFFICE OF PERSONNEL

NOTICE OF FINAL RULEMAKING

The Director, D.C. Office of Personnel, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with §§ 1051 through 1063 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, as amended (D.C. Official Code § 1-610.51 *et seq.* (2001)), hereby gives notice that final rulemaking action was taken to adopt the following rules. These rules amend Chapter 10, *D.C. Personnel Regulations, Executive Service*, to include language referencing the new domicile requirement applicable to appointees to the Executive Service and provide that a person serving in an acting or interim capacity shall become subject to the domicile requirement upon confirmation by the Council and promulgation of the Mayor's Order or personnel action appointing him or her to the Executive Service position; implement the provisions of the Executive Service Pay Plan; delete the dollar amount specified in the chapter for the payment of temporary housing allowances and relocation expenses, or both; add a new § 1004, Performance Contract; clarify the provisions regarding payment of performance incentives and specify that Executive Service employees shall not be eligible to receive monetary awards pursuant to Chapter 19, *D.C. Personnel Regulations, Incentive Awards*; renumber §§ 1004 through 1009 as §§ 1005 through 1010, respectively; and update the citations to the D.C. Official Code throughout the chapter. No comments were received under the notice of proposed rulemaking published at 50 DCR 5212 (6/27/03). Final rulemaking action was taken on August 1, 2003.

CHAPTER 10

EXECUTIVE SERVICE

Section 1000.4 is amended to read as follows; a new § 1000.5 is added to read as follows; § 1000.5 is renumbered as § 1000.6 and amended to read as follows; and new §§ 1000.7 and 1000.8 are added to read as follows:

- 1000.4 Except in the case of an individual who meets the following criteria, any person who accepts appointment or is hired to fill a position in the Executive Service on or after October 1, 2002 shall become a domiciliary of the District of Columbia within one hundred eighty (180) days of the effective date of appointment and shall maintain District of Columbia domicile for the duration of appointment:
- (a) Any person who was an employee of the District of Columbia government on December 31, 1979, and who is still employed by the District of Columbia government without having had a break in service of one (1) workday or more since that date; or

- (b) Pursuant to the provisions of § 7 of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (P.L. 98-621; 98 Stat. 3376; 24 U.S.C. § 225e(b)), any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987, and who has not had a break in service since that date.
- 1000.5 Except as provided in § 1000.4(a) and (b), any employee in the Executive Service who was hired prior to October 1, 2002, and who was required to be or become a bona fide resident of the District of Columbia within one hundred eighty (180) days of appointment and maintain such residency for the duration of appointment or forfeit employment shall continue to be bound by the residency requirement that was in effect before October 1, 2002.
- 1000.6 Failure to become a domiciliary of the District of Columbia within the required period of time and to maintain District of Columbia domicile pursuant to this section shall result in forfeiture of employment.
- 1000.7 Notwithstanding the provisions of §§ 1000.4 through 1000.6, a person nominated to serve in an acting or interim capacity in the Executive Service shall not become subject to the domicile requirement until after confirmation by the Council and promulgation of a Mayor's Order or a personnel action appointing him or her to the Executive Service position. Specifically, the person shall become a domiciliary of the District of Columbia within one hundred eighty (180) days from the date specified in the Mayor's Order as the date of appointment, or from the effective date of the personnel action processed after Council confirmation to appoint him or her to the position, whichever action occurs first.
- 1000.8 The Director of Personnel shall inform each employee subject to the provisions of § 1000.7, in writing, of the exact date by which he or she shall meet the domicile requirement.

Previously "Reserved" § 1001 is added to read as follows:

1001 EXECUTIVE SERVICE PAY PLAN

- 1001.1 The Executive Service Pay Schedule ("DX Schedule") is divided into five (5) pay levels and is the basic pay schedule for positions in the Executive Service.
- 1001.2 The Director of Personnel shall provide relevant criteria for consideration by the Mayor in designating the appropriate pay level within the DX Schedule for each position in the Executive Service. Criteria shall include, but not be limited to, the following:
- (a) Agency budget characteristics;

- (b) Agency workforce characteristics;
 - (c) Complexity of agency mission and functions; and
 - (d) Desired qualifications for, or the impact of the person on, the position.
- 1001.3 A person appointed to a position in the Executive Service shall be appointed at the pay level on the DX Schedule designated for that position, and shall receive a salary set at any amount within the salary range that the Mayor determines to be appropriate.
- 1001.4 The Mayor, at his or her sole discretion, may change the salary of any person holding an appointment in the Executive Service at any time to any other salary within the salary range for the level occupied.
- 1001.5 The salary of an Executive Service employee who is temporarily assigned to a position at a higher or lower level in the DX Schedule shall be set, at the discretion of the Mayor, at any salary within the salary range of the level to which the employee is temporarily assigned or at a salary within the salary range of the level of the employee's regular Executive Service position.
- 1001.6 A person paid from the DX Schedule shall not be entitled to premium pay.
- 1001.7 A person holding an appointment in the Executive Service on the effective date of this section shall continue to be paid his or her existing salary until the Mayor effects a personnel action establishing a salary within the salary range for the designated level of the position on the DX Schedule.
- 1001.8 The Director of Personnel shall publish procedures to implement this section, including the level designated by the Mayor for each Executive Service position.

Subsection 1003.4 is amended to read as follows:

- 1003.4 Payment of expenses under §§ 1003.2 and 1003.3 may only be made after the selectee or appointee signs a notarized agreement to remain in the District government service for twelve (12) months after his or her appointment, unless separated for reasons beyond his or her control that are acceptable to the Mayor.

A new § 1004 is added to read as follows:

1004 PERFORMANCE CONTRACT

- 1004.1 The Mayor shall set performance expectations and goals for each subordinate agency head in a written annual performance contract. The performance contract shall outline agency-specific and operational goals, with a corresponding timeline for accomplishment of each goal. Both the Mayor and the subordinate agency head shall sign the annual performance contract.

- 1004.2 Each subordinate agency head shall be evaluated on an annual basis on the achievement of the performance expectations and goals in the performance contract for that year.
- 1004.3 The performance rating period for each subordinate agency head shall be from the beginning of each fiscal year to the end of the fiscal year.

Section 1004 is renumbered as § 1005 and amended to read as follows:

1005 PERFORMANCE INCENTIVES

- 1005.1 The Mayor may authorize performance incentives for exceptional service by a subordinate agency head.
- 1005.2 A performance incentive may be paid once in any fifty-two-week (52-week) period and only when the agency head is subject to an annual performance contract that clearly identifies measurable goals and outcomes and the agency head has exceeded contractual expectations in the year for which the incentive is to be paid.
- 1005.3 A performance incentive shall not be paid unless the agency head has served in the position for a continuous fifty-two-week (52-week) period prior to the granting of the performance incentive.
- 1005.4 The amount of a performance incentive shall be determined by the Mayor and shall not exceed ten percent (10%) of the employee's rate of basic pay in any year.
- 1005.5 A performance incentive pursuant to this section shall be approved in accordance with Chapter 19 of these regulations.
- 1005.6 An agency head shall not be eligible to receive monetary awards pursuant to Chapter 19 of these regulations.

Section 1005 is renumbered as § 1006; renumbered § 1006.3 is amended to update the citation to the chapter therein; and renumbered § 1006.4(b) is amended to update the citation to the D.C. Official Code:

- 1006.3 Separation pay, if authorized pursuant to § 1006.1, shall be provided at the time of separation from the District government as a lump-sum, one-time payment, subject only to the withholdings of federal, District of Columbia, and State income taxes, and social security taxes, if applicable.
- 1006.4 (b) Is eligible to receive an annuity under any retirement program for employees of the District government, excluding the District retirement benefit program under § 2605 of the District of Columbia Government

Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-626.05) (2001).

Section 1006 is renumbered as § 1007; renumbered §§ 1007.4, 1007.11, 1007.12, 1007.13, and 1007.15 are amended to update the citations to the chapter therein; and renumbered §§ 1007.17 and 1007.18 are amended to update the citations to the D.C. Official Code:

- 1007.4 Except as provided in § 1007.5, each full biweekly pay period represents one (1) workday of accrued universal leave.
- 1007.11 Payment for leave upon separation from the Executive Service as provided in § 1007.10 shall be at the employee's rate of pay at the time of separation.
- 1007.12 Except as provided in § 1007.14, each employee in the Executive Service on January 2, 1999 shall have his or her accrued annual leave balance, up to a maximum of two hundred forty (240) hours, transferred to an annual leave escrow account for use at the discretion of the employee until exhausted.
- 1007.13 The employee shall be given a lump-sum payment for any annual leave in excess of the leave transferred pursuant to § 1007.12, payable at the rate of pay in effect on the last day of the last pay period of the 1998 leave year.
- 1007.15 The employee shall be given a lump-sum payment for any annual leave in excess of the leave transferred pursuant to § 1007.14, payable at the rate of pay in effect immediately before his or her appointment to the Executive Service.
- 1007.17 Sick leave credit of an Executive Service employee that was accrued under § 1203(j) of the CMPA (D.C. Official Code § 1-612.03(j)) ((2001) shall be held in a sick leave escrow account and may be used at the discretion of the employee until exhausted.
- 1007.18 Any balance remaining in a sick leave escrow account at the time of retirement of an Executive Service employee under the U.S. Civil Service Retirement System (Chapter 83 of Title 5 of the U.S. Code) or the Police and Fire Retirement System (D.C. Official Code § 5-701 *et seq.*) (2001) shall be available for use as additional service credit under the provisions of the applicable retirement system.

Reserved §§ 1007 through 1009 are renumbered as §§ 1008 through 1010, respectively.

Section 1099 is amended to update the citation to the D.C. Official Code in the definition of the terms "Executive Service" and "subordinate agency;" and to correct the citations to the chapter in the definition of the terms "Pre-employment travel expenses," "Relocation expenses," and "Temporary housing allowance:"

Executive Service – except as modified by § 1007.1 for purposes of § 1007, any subordinate agency head position under the administrative control of the Mayor, to which the Mayor is

authorized to appoint executives in accordance with §§ 1051 through 1063 of the CMPA (D.C. Official Code § 1-610.51 *et seq.*) (2001).

Pre-employment travel expenses – expenses allowed for an individual pursuant to § 1003.1, which may include such items as hotel accommodations, travel (commercial carrier, privately owned vehicle, *etc.*), and a per diem allowance.

Relocation expenses – expenses allowed for an individual and his or her immediate family pursuant to § 1003.2, which may include such items as transportation of family, transportation of household goods and expenses related thereto, temporary storage expenses, relocation services company, property management services, and a per diem allowance.

Subordinate agency – the meaning provided in § 301(m) of the CMPA (D.C. Official Code § 1-603.01(17)) (2001).

Temporary housing allowance – subsistence expenses incurred by an individual and his or her immediate family while occupying lodging obtained for the purpose of temporary occupancy when authorized pursuant to § 1003.3.